



The Punjab Industrial Housing Act, 1956

Act 16 of 1956

Keyword(s):

Allotment, House, Labour Commissioner, Industrial Worker, Rent

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THE PUNJAB INDUSTRIAL HOUSING ACT, 1956

PUNJAB ACT NO. 16 OF 1956

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THE PUNJAB INDUSTRIAL HOUSING
ACT, 1956.

Punjab Act No. 16. of 1956.

[Received the assent of the President of India on the 21st June, 1956 and was first published for general information in the Punjab Government Gazette (Extraordinary) dated the 28th June, 1956.]

1	2	3	4
Year	No.	Short title	Affected by legislation
1956	16	The Punjab Industrial Housing Act, 1956.	Extended to Pepsu Territory by Punjab Act 18 of 1958 2

An Act to provide for allotment, recovery of rent, eviction and other ancillary matters in respect of houses constructed under the Subsidized Industrial Housing Scheme for industrial workers in the State of Punjab.

BE it enacted by the Legislature of the State of Punjab in the Seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Punjab Industrial Housing Act, 1956.

Short title, extent and commencement.

(2) It shall extend to the whole of Punjab.

(3) It shall come into force in such areas as may be specified by the State Government from time to time by notification in the official Gazette.

2. In this Act, unless there is anything repugnant in the subject or context—

Definitions.

(a) “allotment” means the grant by or on behalf of the State Government of a right of use and occupation of any house to any person and the expression allottee shall be construed accordingly ;

1 For statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1956, page 444

2 For Statement of Objects and Reasons, see Punjab Government Gazette (Extraordinary), 1958 page 546, k.

- (b) "house" means a house referred to in sub-section (1) of section 3 or any part thereof, and includes—
 - (i) the garden , grounds and out-houses, if any, appertaining to such house ; and
 - (ii) any fittings affixed to such house for more beneficial enjoyment thereof ;
- (c) "Competent authority" means any person authorised by the State Government, by notification in the official Gazette to perform the functions of the competent authority under this Act for such area as may be specified in the notification;
- (d) "Labour Commissioner" means the officer for the time being appointed as such by the State Government ;
- (e) "Industrial Worker" means a worker as defined in the Factories Act, 1948 ;
- (f) "prescribed" means prescribed by rules made under this Act ;
- (g) "rent" means the amount payable by an allottee or any person for use and occupation of a house ; and
- (h) "State Government" means the Government of State of Punjab

Application of
Act.

3. (1) This Act shall apply to houses constructed by the State Government for the occupation of industrial workers under the Industrial Housing Scheme subsidized by the Central Government (herein after called the Subsidized Industrial Housing Scheme).

(2) The State Government may by a declaration published in the Official Gazette specify from time to time such houses with the names of the towns where situate and the declaration shall be conclusive evidence that the houses were constructed by the State Government for occupation by industrial workers under the Subsidized Industrial Housing Scheme.

4. Subject to the control of the State Government, the Labour Commissioner shall be responsible for allotment of houses and for such other functions under this Act as may be prescribed.

Duties of the
Labour Com-
missioner.

5. Subject to the Control of the State Government, the competent authority shall be responsible for realisation of rent of the houses, eviction of persons occupying such houses, and such other matters relating to the administration of this Act as may be prescribed.

Duties of the
Competent
Authority.

6. The Labour Commissioner, the competent authority and the other officers of the State Government to whom powers may be delegated under section 16 shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

Labour Com-
missioner and
competent au-
thority to be
public servants.

7. For the purposes of this Act a person shall save as otherwise provided in this Act, be deemed to be in unauthorised occupation of any house—

Persons deemed
to be in un-aut-
horised occupa-
tion.

- (a) where he has entered into possession of a house otherwise than under and in pursuance of any allotment made by the Labour Commissioner ;
- (b) where being an allottee he has by reason of cancellation of an allotment under subsection (2) of section 9 ceased to be entitled to occupy the house;
- (c) if he has ceased to be an industrial worker under the Act .

Explanation.—A person shall not be deemed to have entered into possession of the house as an allottee merely for the reason that he has paid some money as rent.

8. (1) An application for allotment of houses shall be made in such form as may be prescribed.

Application for
allotment of
houses.

(2) Allotment of houses shall be made by the Labour Commissioner in such manner as may be prescribed.

Conditions of
occupation.

9. (1) The occupation by any person of a house shall at all times, be subject to such conditions relating to its occupation as may be prescribed, or as may be intimated from time to time by the Labour Commissioner.

(2) Notwithstanding anything contained in any other law for the time being in force, the Labour Commissnoer may, after notice to the allottee or occupier and considering his Explanation, if any, for reasons to be recorded, cancel any allotment under which a house is held or occupied by any person. A copy of the order cancelling the allotment shall be served upon such person.

Executions of
agreement.

10. Every allottee of a house shall execute an agreement in such form as may be prescribed.

Rates of rent
and date of pay-
ment.

11. There shall be payable by every allottee for the period that the house remains allotted to him, rent and other charges at such rates and on such dates as may be fixed by the competent authority.

Mode of pay-
ment of rent
and other charges

12. All rents and other charges shall be collected in cash by the competent authority or other person to whom such powers are delegated, and shall be payable monthly by the fifteenth day of the following month:

Provided that the competent authority may, subject to such directions as may be issued by the State Government, extend from time to time the period of payment of the rent and other charges.

Arrears of rent-
and other char-
ges.

13. Any rent or other charges not paid on due date, or within such extended period as may be given by the competent authority shall be treated as an arrear of rent or other charges.

Recovery of
arrears of rent
etc.

14. If arrears of rent or other charges are not paid to the competent authority or to such other officer to whom powers are delegated on the due date or within the extended period, such arrears with all costs of recovery shall be recoverable as arrears of land

revenue, and the person liable to pay the same shall be deemed to be in unauthorised occupation of the house concerned.

15. The Labour Commissioner/ or competent authority may with such assistants, if any, as he thinks fit enter at all reasonable hours into any house which he considers necessary to enter for purposes of administering or carrying out the provisions of this Act.

Powers of entry
on houses

16. The Labour Commissioner or the competent authority may with the previous approval of the State Government, delegate all or any of his powers under this Act to any officer of the State Government subject to such conditions, if any, as may be specified by him.

Delegation

17. No order made by the State Government, the Labour Commissioner or the Competent authority or any other officer in the exercise of any power conferred by or under this Act shall be called in question in any court, and no injunction shall be granted by any court or any authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act.

Jurisdiction of
courts barred.

18. (1) Without prejudice to the provisions of any other Act, any person may execute an agreement in favour of the competent authority, providing that the employer under whom he is employed shall be competent to deduct from the salary or wages payable to him such amount as may be specified in the agreement and to pay the amount so deducted to the competent authority in satisfaction of the rent and other charges due to him in respect of the premises allotted.

Deduction of
rent from salary
or wages.

Upon the execution of such agreement the employer shall notwithstanding anything contained in the Payment of Wages Act, 1936 make, if so required by the competent authority in writing, deduction of the amount specified in the requisition from the salary or wages of his employee and pay the amount so deducted to the competent authority or such other official as may be authorised by him, and the employer shall be liable for any amount paid in contravention of this requisition.

(2) If the employer fails to pay to the competent authority the amount deducted under sub-section (1) within 30 days from the date of service of a notice in that behalf, or pays any amount to the employee in contravention of the requisition under the said subsection, the amount deducted or which he so pays with all costs of recovery shall be recoverable as arrears of land revenue.

Eviction from
the premises.

19. (1) If the competent authority is satisfied that—

(a) the allottee of any house—

- (i) is in arrears of rent or other charges, or
- (ii) has sublet the whole or any part of such house, or
- (iii) has otherwise acted in contravention of any of the terms, express or implied, under which he is authorised to occupy such premises, or

(b) any person is in unauthorised occupation of any premises, the competent authority may, notwithstanding anything contained in any law for the time being in force by notice served—

- (i) by post, or
- (ii) by affixing a copy of it on the outer door or some other conspicuous part of such house, or
- (iii) in such other manner as may be prescribed, order such person, as well as any other person who may be in occupation of the whole or any part of the house, to vacate it within one month of the date of the service of the notice.

(2) If any person refuses, or fails to comply with an order made under subsection (1) the competent authority may order eviction of that person from, and take possession of, the house ; and may for that purpose authorise the use of such

force as may be necessary. A copy of the order shall also be served upon the person in the manner prescribed .

(3) If a person, who has been ordered to vacate any house under sub-clause (i) or (iii) of clause (a) of subsection (1) pays, within one month of the date of service of the notice or such longer time as the competent authority may allow, to the competent authority, the rent or other charges in arrears or carries out or otherwise complies with the terms contravened by him, to the satisfaction of the competent authority, he may, instead of evicting such person cancel his order under subsection (1) and thereupon such person shall hold the house on the same terms as those on which he held it immediately before such notice was served and on such other terms and conditions which may be laid down by the competent authority.

20. (1) Any person aggrieved by an order of the competent authority under subsection (2) of section 9 or subsection (2) of section 19 may, within 15 days of the service of the order under the said sections, prefer an appeal to the State Government :

Right of appeal.

Provided that the State Government may entertain the appeal after the expiry of the said period of 15 days if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

(2) On receipt of an appeal under subsection (1) the State Government may, after calling for a report from the competent authority or the Labour Commissioner, and after making such further enquiries, if any, as may be necessary, pass such orders as it thinks fit and the order of the State Government shall be final.

(3) Where an appeal is preferred under sub-section (1), the State Government may stay the enforcement of the order appealed against for such period and on such conditions as it thinks fit or until the decision of the appeal whichever is earlier.

Powers to re-
cover damages.

21. (1) Where any person is in unauthorised occupation of any house, the competent authority may, in the prescribed manner, assess such damages not exceeding four times the rent and other charges on account of the use or occupation of the house as he may deem just and proper and may, by notice served by post or otherwise, order that person to pay damages within such time as may be specified in the notice.

(2) If any person refuses or fails to pay the damages within the time specified in the notice, the damages may be recovered as arrears of land revenue.

Realisation of
money payable
under the Act.

22. All moneys realised or collected under this Act shall be deposited to the credit of the State Government either in the State Treasury or in the State Bank of India, as may be prescribed.

Protection of
action taken
under this Act.

23. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or purported to be done under this Act.

Power to make
rules.

24. (1) The State Government may, subject to the condition of previous publication, make rules for carrying out the purpose of this Act.

(2) Without prejudice to the generality of the foregoing powers, such rules may provide for—

(i) the duties and functions of the Labour Commissioner and the competent authority ;

the form of application and manner of allotment of accommodation and conditions relating to its occupation ;

(iii) the form and manner in which an appeal under section 20 shall be preferred ;

(iv) the fees, if any, to be paid in appeals under section 20 ;

(v) the form of agreement referred to in section 10 a 18 ;

- (vi) the mode of service of the order under subsection (2) of section 9 or subsection (2) of section 19 ;
- (vii) the mode of payment of rent and other charges ;
- (viii) assessment of damage referred to in section 21 ;
- (ix) the maintenance and upkeep of the houses ; and
- (x) the matters which are to be or may be prescribed.